



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1799-00

28 March 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting a change in the reenlistment code assigned on 1 July 1999

2. The Board, consisting of Mr. Pfeiffer, Mr. Kastner and Mr. Zsalman, reviewed Petitioner's allegations of error and injustice on 28 March 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 16 June 1999 at age 34. On 25 June 1999 she was diagnosed as having a "deathly reaction to anesthesia", specifically lidocaine. The doctor believed that this condition was not correctable to meet Navy standards and recommended separation from the Navy. After review the separation authority directed an entry level separation. She was so separated on 1 July 1999. At that time she was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

d. Petitioner states she never had such a severe reaction as indicated in her record, and believes that being allergic to lidocaine is not a bar to Navy service. She states that doctors at MEPS have approved her for reenlistment if the reenlistment

code is changed.

e. The Board is aware that regulations allow for the assignment of an RE-3E or an RE-4 reenlistment code when an individual is separated by reason of erroneous enlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner has not submitted any evidence to support her contention that she has now been found physically qualified to enlist in the Navy. However, the Board notes that based on the available documentation, the diagnosis cannot be conclusive. Additionally, there is no indication in the record that Petitioner had any problems in recruit training except those directly related to the medical diagnosis. The Board believes that, in effect, her enlistment could be considered to be erroneous. Therefore, the Board concludes that the RE-4 reenlistment code is inappropriate and should now be changed to the less restrictive RE-3E as an exception to policy. This code will alert recruiters that an evaluation of her physical status is required before an enlistment can be authorized.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will be aware of the medical diagnosis and understand the reason for the change in the reenlistment code.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that she was assigned an RE-3E reenlistment code on 1 July 1999 vice the RE-4 reenlistment code now of record.
- b. That this Report of Proceedings be filed in Petitioner's naval record.
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

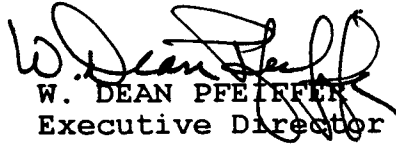
ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section

6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director